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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/192,887 11/16/98 COSMESCU L 30359.0417

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LAURA J ZEMAN  
SNELL & WILMER  
ONE ARIZONA CENTER  
400 EAST VAN BUREN  
PHOENIX AZ 85004-0001

EXAMINER

CHO, D

ART UNIT	PAPER NUMBER
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3761

DATE MAILED:

09/22/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/192,887

Applicant(s)  
Cosmescu

Examiner  
David J. Cho

Group Art Unit  
3761



☒ Responsive to communication(s) filed on Jun 26, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-49 is/are pending in the application.

Of the above, claim(s) 46-49 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-8, 11-19, 22-29, 32-34, and 36-43 is/are rejected.

☒ Claim(s) 9, 10, 20, 21, 30, 31, 35, 44, and 45 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-8, 12-14, 16-19, 22-24, 26-29, 32-33, 36-37, 39-40, 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodson et al. '4,735,603 and in view of Sollerud '3,574,239.

Goodson et al discloses a laser smoke evacuation system for smoke removal from the site of laser laparoscopy in a patient cavity. The system includes a gas pump connected through a control valve, a pressure sensor and a bacterial filter to a laparoscopic tube inserted into the patient; a return line from a second laparoscopic tube in a the patient through a smoke filter, a pressure sensors, a control valve, and a fluid trap into the return of the pump. Moreover, the electrical supply and control circuitry is shown in figures 2-4 and the control circuitry 34 is connected to the solid state relay 44 which is connected with and operates the pump 11 and the solenoid valves 13 and 25. The pressure transducers 15 and 24 are connected with the control circuitry. Also, as shown in figure 3, the control circuitry includes comparators 70 and 71, a timer 72, and a missing pulse detectors 73, which are connected with the pressure transducer. In

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regards to the 'pressure controller shutting off the pump' (claims 6-7, 17-18, 27-28, 37, 42), see column 6, lines 24-33. However, Goodson fails to disclose at least one fluid irrigation container, an irrigation tubing, suction and irrigation tubing are contained within, and providing a second fluid irrigation container and tubing and connected to a "Y" connector.

Sollerud teaches an apparatus for cleansing the patient whereby washing medium continuously is supplied centrally through a pressure nozzle and after its use is sucked off peripherally through a suction nozzle arranged about the pressure nozzle. In particular, Sollerud teaches two containers 6 and 21 (first and second containers) connected by a three-way valve 12 (Y connector), whereby fluid is delivered through the tubing 7 and 24 and sucked back into the suction nozzle 9 and 23, see particularly figure 1.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the invention of Goodson with the fluid irrigation containers, tubing, irrigation/suction nozzles and Y connector as taught by Sollerud in order to provide a quick and easy manner in applying irrigation and suction to the body.

3. Claims 4, 15, 25 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodson et al in view of Sollerud as applied to claims above, and further in view of Boucly '5,607,408.

Goodson et al in view of Sollerud discloses the invention substantially as claimed except for the safety relay which shuts off the pumping means. Boucly teaches a skin treatment system comprising liquid circuit 16 for flow means to flow into one or more of input tubes 22 for

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coupling to the dispatcher means 18. As illustrated, the flow means includes a programmable time 30 controlling solenoid valve 32 and normally-closed solenoid valves 33 and 34 which are arranged to permit or prevent the flow of treatment solutions out of the vials 24-26. Also, other various suitable arrangements for manual setting and control of the various elements of the liquid and gas circuits may be set, see column 3, lines 26-36.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the invention of Goodson in view of Sollerud with the safety relay which shuts off the pumping means as taught by Boucly in order to provide an improved control system.

4. Claims 11 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodson et al in view of Sollerud as applied to claims above, and further in view of Preen et al. '5,449,347

Goodson et al in view of Sollerud discloses the invention substantially as claimed except for the vacuum sensor and means for disconnecting the suctioning means. Preen et al teaches plural power source suction apparatus, whereby the suction housing provides three electrical switches 118, 120, and 122 which respectively select the alternating or direct current input energy capabilities of the apparatus, the ON or OFF operating status of the apparatus and the continuous or intermittent operating cycle of the suction generating apparatus. In regards to the disconnection of the suction means, Preen et al teaches a current limit circuit breaker members 208, and 210 shown in figure 2.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the invention of Goodson in view of Sollerud with the vacuum sensor and means for disconnecting the suctioning means as taught by Preen et al in order to provide means for indicating and applying the proper suction in the system.

5. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goodson et al in view of Sollerud as applied to claims above, and further in view of LeVeen et al. '4,532,936.

Goodson et al in view of Sollerud discloses the invention substantially as claimed except for the flow meter sensor. LeVeen et al teaches an automatic urine flow meter, wherein the apparatus includes a measurement column, an optical sensor to determine when the measurement column is empty, a peristaltic pump to empty the measurement column at a known rate, into a collection bag to determine the volume removed from the column based on the pump rate.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the invention of Goodson in view of Sollerud with the flow meter sensor as taught by LeVeen in order to provide an accurate volume of fluid applied in the system.

***Allowable Subject Matter***

6. Claims 9-10, 20-21, 30-31, 35 and 44-45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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*Conclusion*


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

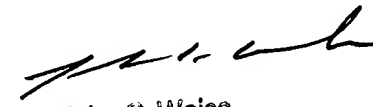
U.S. Patent No. 6,110,159, 6,023,639, 5,827,229, 5,776,118, 5,720,299, 5,624,393, 5,468,234, 5,449,347, 5,234,403, 4,940,056, 4,532,936.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Cho whose telephone number is (703) 308-0073. The Examiner can normally be reached on Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax number for this Group is (703) 305-3590 or x3591.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0585.

dj cho  
  
Patent Examiner  
September 18, 2000

  
John G. Weiss  
Supervisory Patent Examiner  
Group 3700